

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN WESLEY WILLIAMS,  
  
Plaintiff,  
  
v.  
  
BEER, et al.,  
  
Defendants.

No. 1:21-cv-00155-ADA-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

ORDER DENYING PLAINTIFF'S SECOND  
MOTION FOR LEAVE TO AMEND

(ECF Nos. 55, 57, 58)

Plaintiff John Williams is a state prisoner proceeding *pro se* with this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 11, 2022, Plaintiff filed a second motion for leave to amend, along with a proposed amended complaint. (ECF Nos. 54 & 55.) On April 14, 2022, the assigned Magistrate Judge entered findings and recommendations, recommending “that Plaintiff’s second motion for leave to amend (ECF No. 55) be DENIED” because this case is stayed and because Plaintiff has not cured the deficiencies noted by the Court in its previous denial of Plaintiff’s first motion for leave to amend. (ECF No. 57 at 2-3.) The parties were provided fourteen (14) days to file objections to the findings and recommendations. Neither party objected.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that  
3 the findings and recommendations are supported by the record and proper analysis.

4 On May 2, 2022, instead of filing objections to the findings and recommendations,  
5 Plaintiff lodged a fourth proposed amended complaint. (ECF No. 58.) The Court will not  
6 consider Plaintiff's additional proposed amended complaint because the Court has advised  
7 Plaintiff on several occasions, including in the pending findings and recommendations (ECF No.  
8 31 at 2), that he needs to explain the changes he is attempting to make to his complaint. "As  
9 Plaintiff's second motion for leave to amend suffers from many of the same defects as his prior  
10 motion," (ECF No. 57 at 2-3), and as Plaintiff has now filed four proposed amended complaints  
11 without adequately explaining the changes he is attempting to make to the operative complaint,  
12 the Court again warns Plaintiff that unreasonable and frivolous filings may result in the  
13 imposition of sanctions.

14 Accordingly,

- 15 1. The findings and recommendations issued on April 14, 2022 (ECF No. 57), are  
16 adopted in full; and
- 17 2. Plaintiff's second motion for leave to amend (ECF No. 55) is denied.

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20 IT IS SO ORDERED.

21 Dated: September 28, 2022

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UNITED STATES DISTRICT JUDGE